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FILED
MAY 15 1959
JAMES R. BROWNING, Clerk

IN THE

Supreme Court of the United States

OCTOBER TERM, 1958

No. 785

DAVID E. HARTSHORN, *Petitioner*

v.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

On Petition For a Writ of Certiorari to the United States Court of Appeals For the District of Columbia Circuit

PETITION FOR REHEARING

This is a Petition for Rehearing of a refusal of certiorari on May 4, 1959, in the above entitled case 785 of October term 1958.

This present petition is necessary in order to counter misleading information in the Memorandum in Opposition to prevent such misinformation from arising, as tacitly established fact, in a pending jury trial on

valuation and, more particularly to demonstrate my clear legal rights in this matter.

The grounds for this Petition involve glaring faults in the Memorandum in Opposition for which this petitioner has had no adequate opportunity to prepare reply in view of activities in trying to resettle after invasion of his home by vandals, the activities involved in meeting condemnation proceedings and in trying to hold employment. The pittance allowed for my fine home is not found adequate to prepare even a smaller shelter far from place of employment.

The reference to *Catlin* v. *United States*, 324 U.S. 229, is not pertinent since it was under an emergency war statute, but even it showed the right to appeal on the law questions, though permitting the emergency seizure as a military measure.

Further the citation, 72 Stat. 1770, is offside. This statute was approved only two weeks before my appeal and is not applicable to my case. Further it had only to do with interlocutory appeals *but* my appeal was from a final decision. If the decision by the District Court had sustained my contention that would have finally voided the irregular seizure as a final judgment from which the Agency would have appealed.

There is error in the footnote in the Memorandum. Payment was made well along in 1959 and not in 1958. Payment had to be accepted since vandalism was driving me out of my fine home and money was needed to move away. Further the small sum deposited was less than the value of the land under my fine brick buildings in the best residential part of the city, near the Mall. The lot to which title was held is more than 130 feet deep and the buildings on the lot are more

than 100 feet from North to South involving 13 rooms built by one of the best area builders (Mr. Knight) for his own home on retirement. Three modern baths and fireproof garages with two masonry walled, interior courts were included in the menage. The plumbing was complete in 1941 and had modern copper piping with automatic hot water and oil heat. Much of the flooring was more than one inch thick clear-white oak, tight as a drum head. The pittance offered is definitely not *just compensation* as required where private property is seized by the Government.

Further as shown in the record there has been consistent *Denial of Due Process of Law*. At present the trial, by jury required by Statute within 20 days and offered by the Agency is now on Motion in District Court to occur along in June which will probably kick it over to autumn, when this jury may be outlawed. There is statutory provision for jury *viewing* of the condemned property. This they tried to avoid by ordering evacuation months before jury organization, so vandals would destroy all value in the property. My action before the District Court was palliative but is to be circumvented by delays by the Agency.

It is humbly petitioned that the petition for certiorari be reconsidered in the light of this Petition for Rehearing and the writ of certiorari be issued to the Circuit Court of the District of Columbia.

/s/ DAVID E. HARTSHORN, L.P.E.
David E. Hartshorn
Box 761
Washington 4, D. C.
Member of the Supreme Court Bar.

CERTIFICATE

This petition for rehearing is made in good faith and is not for delay. Delay has proved impossible since the Agency states it is going ahead with destruction of my fine, fully modern 13-room, 3 baths and garages—show-place house, on the hill, near the Mall and between and fronting on two paved thoroughfares.

/s/ DAVID E. HARTSHORN
David E. Hartshorn
Box 761
Washington 4, D. C.